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Jazz Pharmaceuticals, Inc.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JAZZ PHARMACEUTICALS, INC.,

Plaintiff,

v.

ROXANE LABORATORIES, INC.,

Defendant.

Civil Action No. 11-660 (SDW)(MCA)

REPLY TO COUNTERCLAIMS

(Filed Electronically)

Plaintiff Jazz Pharmaceuticals, Inc. (“Jazz Pharmaceuticals”), by its undersigned attorneys, for its Reply to the Counterclaims of Defendant Roxane Laboratories, Inc. (“Roxane”), responds as follows:

1. Jazz Pharmaceuticals admits on information and belief the allegations of paragraph 1 of the Counterclaims.
2. Jazz Pharmaceuticals admits the allegations of paragraph 2 of the Counterclaims.
3. Jazz Pharmaceuticals admits that there is a justiciable controversy between the parties hereto concerning the ’431 and ’506 patents, and denies all other allegations of paragraph 3 of the Counterclaims.

4. Paragraph 4 states a legal conclusion for which no answer is required. To the extent an answer is required, Jazz Pharmaceuticals admits that this Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), and denies all other allegations of paragraph 4 of the Counterclaims.

5. Paragraph 5 states a legal conclusion for which no answer is required. To the extent an answer is required, Jazz Pharmaceuticals admits that this Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 2201 and 2202, and denies all other allegations of paragraph 5 of the Counterclaims.

6. Jazz Pharmaceuticals admits the allegations of paragraph 6 of the Counterclaims.

7. Jazz Pharmaceuticals denies the allegations of paragraph 7 of the Counterclaims.

8. Jazz Pharmaceuticals denies the allegations of paragraph 8 of the Counterclaims.

9. Jazz Pharmaceuticals denies the allegations of paragraph 9 of the Counterclaims.

COUNTERCLAIM COUNT 1

10. Jazz Pharmaceuticals denies the allegations of paragraph 10 of the Counterclaims.

COUNTERCLAIM COUNT 2

11. Jazz Pharmaceuticals denies the allegations of paragraph 11 of the Counterclaims.

COUNTERCLAIM COUNT 3

12. Jazz Pharmaceuticals denies the allegations of paragraph 12 of the Counterclaims.

COUNTERCLAIM COUNT 4

13. Jazz Pharmaceuticals denies the allegations of paragraph 13 of the Counterclaims.

COUNTERCLAIM COUNT 5

14. Jazz Pharmaceuticals incorporates by reference its replies to paragraphs 1-13 of the Counterclaims as if fully set forth herein.

15. Jazz Pharmaceuticals admits that Roxane purports to seek an order requiring Jazz Pharmaceuticals to remove the '506 patent from the Orange Book listing with respect to XYREM®, and denies all other allegations of paragraph 15 of the Counterclaims.

16. Jazz Pharmaceuticals denies the allegations of paragraph 16 of the Counterclaims.

ROXANE'S PRAYER FOR RELIEF

Jazz Pharmaceuticals denies that Roxane is entitled to judgment in its favor and denies that Roxane is entitled to any relief as set forth in its Counterclaims, Affirmative Defenses and/or Prayer for Relief.

DEFENSE

Failure to State a Claim

Roxane's Counterclaims fail to state a claim upon which relief may be granted.

WHEREFORE, Jazz Pharmaceuticals prays for Judgment in its favor on Roxane's Counterclaims and for the relief requested in Jazz Pharmaceuticals' Complaint for Patent Infringement.

Dated: April 18, 2011

By: s/ Charles M. Lizza

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